

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> WB Music Corp., et al.		<b>DEFENDANTS</b> Pace's In Port, Inc. and Rinaldo Pace																																				
<b>(b) County of Residence of First Listed Plaintiff</b> <u>Los Angeles County, CA</u> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small>		<b>County of Residence of First Listed Defendant</b> <u>Suffolk County, NY</u> <small>(IN U.S. PLAINTIFF CASES ONLY)</small>																																				
<small>FILED</small> <small>IN CLERK'S OFFICE</small> <small>U.S. DISTRICT COURT</small> <small>E.D.N.Y.</small>		<small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</small>																																				
<small>(c) Attorney's (Firm Name, Address, and Telephone Number)</small> Howard H. Weller, Esq. Jeffrey M Movit, Esq. Mitchell Silberberg & Knupp, LLP 12 E. 49th Street, 30th Floor New York, NY 10017		<small>Attorneys (If Known)</small> <small>FEB 09 2009</small>																																				
<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)		<b>III. CITIZENSHIP</b>																																				
<input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		Citiz  Citizen of Another State <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2 Incorporated and Principal Place of Business <input type="checkbox"/> 5 <input type="checkbox"/> 5  <input type="checkbox"/> 6																																				
<b>IV. NATURE OF SUIT</b> (Place an "X" in One Box Only)																																						
<table border="1"> <thead> <tr> <th>CONTRACT</th> <th colspan="3">TORTS</th> <th>OTHER STATUTES</th> </tr> </thead> <tbody> <tr> <td> <input type="checkbox"/> 110 Insurance  <input type="checkbox"/> 120 Marine  <input type="checkbox"/> 130 Miller Act  <input type="checkbox"/> 140 Negotiable Instrument  <input type="checkbox"/> 150 Recovery of Overpayment &amp; Enforcement of Judgment  <input type="checkbox"/> 151 Medicare Act  <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)  <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits  <input type="checkbox"/> 160 Stockholders' Suits  <input type="checkbox"/> 190 Other Contract  <input type="checkbox"/> 195 Contract Product Liability  <input type="checkbox"/> 196 Franchise       </td> <td> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane  <input type="checkbox"/> 315 Airplane Product Liability  <input type="checkbox"/> 320 Assault, Libel &amp; Slander  <input type="checkbox"/> 330 Federal Employers' Liability  <input type="checkbox"/> 340 Marine  <input type="checkbox"/> 345 Marine Product Liability  <input type="checkbox"/> 350 Motor Vehicle  <input type="checkbox"/> 355 Motor Vehicle Product Liability  <input type="checkbox"/> 360 Other Personal Injury       </td> <td> <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med. 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<b>V. ORIGIN</b> (Place an "X" in One Box Only)		Transferred from <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation		Appeal to District <input type="checkbox"/> 7 Judge from Magistrate Judgment																																		
<b>VI. CAUSE OF ACTION</b>		Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>17 U.S.C. § 101 et seq.</u>																																				
		Brief description of cause: <u>This is a suit for Copyright Infringement.</u>																																				
<b>VII. REQUESTED IN COMPLAINT:</b>		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION <small>UNDER F.R.C.P. 23</small>		<small>DEMAND \$</small> <small>CHECK YES only if demanded in complaint:</small> <b>JURY DEMAND:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																		
<b>VIII. RELATED CASE(S) IF ANY</b>		<small>(See instructions):</small> JUDGE _____		<small>DOCKET NUMBER</small> <small>SIGNATURE OF ATTORNEY OF RECORD</small>																																		
<b>FOR OFFICE USE ONLY</b>																																						
RECEIPT # _____		AMOUNT _____		APPLYING IFFP _____ JUDGE <u>Towns</u> MAG. JUDGE <u>V.V.P.</u> <small>8-09-517</small>																																		

**ARBITRATION CERTIFICATION**

I, Jeffrey M. Movit, counsel for Plaintiffs do hereby certify pursuant to the Local Arbitration Rule 83.10 that to the best of my knowledge and belief the damages recoverable in the above captioned civil action do not exceed the sum of \$150,000 exclusive of interest and costs. However, mandatory arbitration is inapplicable to this action because relief other than monetary damages is sought, namely injunctive relief.

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**DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1**

Identify any parent corporation and any publicly held corporation that owns 10% or more or its stocks:  
See accompanying Fed. R. Civ. P. 7.1 Disclosure Statement.

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Please refer to NY-E Division of Business Rule 50.1(d)(2)

1.) Is the civil action being filed in the Eastern District of New York removed from a New York State court located in Nassau or Suffolk County: No

2.) If you answered "no" above:

a.) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? Yes

b.) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? \_\_\_\_\_

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(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

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**I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.**

Yes  \_\_\_\_\_

No  \_\_\_\_\_

**Are you currently the subject of any disciplinary action(s) in this or any other state or federal court?**

Yes  \_\_\_\_\_ (If yes, please explain)

No  \_\_\_\_\_

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Please provide your E-MAIL Address and bar code below. Your bar code consists of the initials of your first and last name and the last four digits of your social security number or any other four digit number registered by the attorney with the Clerk of Court.  
(This information must be provided pursuant to local rule 11.1(b) of the civil rules).

**ATTORNEY BAR CODE:** JM-6725

**E-MAIL Address:** jmm@msk.com

I consent to the use of electronic filing procedures adopted by the Court in Administrative Order No. 97-12, "In re Electronic Filing Procedures(EFP)", and consent to the electronic service of all papers.

**Signature:** 